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. . . . . The 19th meeting of the CIA RETIREMENT BOARD  
convened at 2:05 p.m. on Tuesday, 24 August 1965, with the following present:

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Mr. James Critchfield, DDP Member	
<div data-bbox="451 445 1010 558" style="border: 1px solid black; width: 344px; height: 54px;"></div>	25X1
Mr. John S. Warner, Legal Adviser	
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25X1A9A

You have the minutes of the 18th meeting  
dated 10 August 1965. Are there any additions or corrections to the minutes?  
(No response.) If not, they stand approved.

I'd like to call the Board's attention to a ruling from  
the General Counsel regarding the mandatory age limits.

FOIAB5

25X1A

cc: Chief, Operational Services, DDP

**GROUP 1**  
Excluded from automatic  
downgrading and  
declassification

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[redacted] and I were speaking about this matter before the meeting, and while the course seems reasonably clear as far as the onward going working of the System is concerned, we are still a little bit puzzled by the fact that in the initial go-around (we can't encompass therein) whoever the Board may feel eligible regardless of age limit. We have a man who is 67, for instance, who has a fine record of service and is in fine physical health, able to out walk and out exercise many younger men, and he is excluded simply because he is 67 - two years over 65.

I don't suppose there is anything we can do about this, since the General Counsel's interpretation of the law is pretty clear. At the same time, I thought we might put this question on the records of the Board and raise it again when either Lansdale or Warner are present. (NOTE: Mr. Warner joined the meeting a little later.)

Has anybody else any comment?

25X1A

[redacted] A possible consideration might be whether the man when he was 65 had met the criteria that now applies. In other words, when he was 65 if he had had the five years of overseas service by that time -- or better yet, when he was 60 -- then I don't see that there is as strong a reason for excluding him as excluding somebody who has acquired this eligibility in terms of service after he passed the mandatory retirement date. If the man acquired it before he reached the mandatory retirement date, I don't know the legal aspects of it but the reasonable thing to me would seem to be that he met the criteria.

25X1A9A

[redacted] Mike, do you have anything to add to this?  
No -- I think that this was the intent all right, both of our own people and Congress -- but I'm a little bothered about this on the first go-around when at least a dozen times we told Congress that we would review all the records of everybody in the Agency. Now I understand that that review could have been interpreted that a person may qualify or may not qualify,

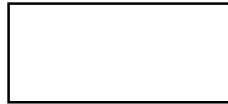
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but I think if this Act which was given to us was intended to be a management tool, I'm just wondering if on the first go-around there might not be some consideration shown for these people. I don't know. I'm just raising that. Secondly, the thing that bothered me was that if you look carefully at the Regulation which this Act gave birth to there are six qualifications for designation, and it seems to me

25X1A9A the man you (indicating [redacted]) mentioned, who might be 67, could walk in and say: I qualify because I met all six qualifications, because in those six criteria for designation there is no statement about age or no exclusion in the statement covering age. And I'm just wondering, therefore, even though I feel this is the proper interpretation, whether or not we might have to revise the Regulation--

25X1A9A

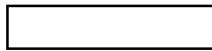


Yes--

(Continuing): --because I think any man

over 65 can come in and say there are six criteria and he meets every one of them -- there is nothing about age in these criteria.

25X1A9A



Jim, do you have any comment on this

point?

MR. CRITCHFIELD: Only that I do not understand the basis for the ruling by General Counsel. It's not clear to me what considerations went into this.

25X1A9A



I think that is the point that I would make. I

would want to look carefully at the rest of the Regulation for any other language which suggests an interpretation on this. This may very well be lifted sort of out of context.

25X1A9A



General Counsel seems to be implying here

that to have a man 67, GS-17 or under, as a participant in the System would be in violation of the Act because it's not possible to have anyone 67 because he would have had to be out by the time he was 65. That seems to be the basis of his interpretation -- theoretically that it wouldn't be possible to have anyone 67.

MR. CRITCHFIELD: I question whether that was the intent of Congress.

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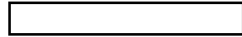
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On the other hand, I assume this means if somebody was 63 and wanted to be made a participant there would be no legal problem.

25X1A9A



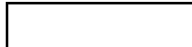
What I wanted to clarify and what I said was that I think what Congress was looking at as far as anybody GS-17 or below - this idea - was to catch those people approaching 60, and they would say that at this point the right of the Director to grant five more years shall be 60 plus five, and not beyond the 65 -- and the same thing - 65 and 70 - in the case of 18's and above. I think that was what was intended. I don't think anybody in their mind adverted to the fact that we might have somebody over 67. But I think that for the administration of the Act that this would be all right for those people approaching 60, and approaching 65, depending on their wage scale. But I wonder on this first go-around whether there shouldn't be some different approach made for the person over that age limit. Now I did not mean to imply that these people were taken into consideration either by this Agency or Congress -- I don't think they did.

25X1A9A



Well, I think we will refer this record, then, to the Director of Personnel for his own study and attention when he returns -- and I think he may want to discuss it further with the Office of General Counsel.

25X1A9A



The subject in itself states it, really -- "Mandatory Age Limits Under CIA Retirement Act." I think that is the point.

25X1A9A



There is one other point that I would like to note in the record for the attention of the Director of Personnel, and that is the fact that the Hays Bill proposed by the Department of State is going to leave our own personnel administration and retirement system somewhat outdated, I think. I think this is so clear that some working committee should be organized to discuss the possibility of a CIA Bill which would at least put us on a par with the State Bill, and which could include in it certain management actions that would serve to clarify our whole personnel picture. As I understand, one of the purposes of

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## The Federal Diary

H.R. 6277

# Retirement Set at 50 In Revised Hays Bill

By Jerry Kluttz

More than 16,000 Civil Service and Foreign Service reservists in State, AID and USIA would have the opportunity to



Kluttz

retire at 50 after 20 years, like Foreign Service officers, under the revised Hays bill now before the House. The measure by Rep. Wayne L. Hays (D-Ohio) could be the forerunner of a more liberal retirement system for all Federal employees. Civil Service employees and FS reservists would have to be under CS retirement for ten years before they could transfer to the FS retirement system but their service would count toward FS retirement.

Backed by the Johnson Administration, the bill is the beginning of a long-sought unified FS personnel system for the three agencies dealing in foreign affairs. The House Foreign Affairs Committee added 74 amendments to the bill, mainly to protect employees and to extend additional benefits to them, before it recommended it to the House by a 21 to 5 vote. The bill includes the following provisions:

- Creation of Foreign Affairs (FA) jobs to which present CS employees and FS reservists could transfer only if they so request in writing. Also, those who transfer couldn't be given overseas assignments unless they again volunteer in writing. Those who desire to transfer would be moved to the FS retirement system as they meet the 10-year service requirement.

- Those who refuse to transfer would retain their present CS jobs and continue under the CS retirement system. FS reservists would likewise continue for the duration of their 5 or 10-year appointments.

- All new appointments would be FA and eventually all CS and FS reserve jobs would be phased out in the three agencies.

- Present CS and FS reserves will not be required to pass new tests to transfer to FA jobs, and the agencies must accept all those who volunteer.

- FA officers in the first three classes would be appointed by the President, subject to Senate confirmation. The President could either appoint those in the remaining five classes or delegate his power to the Secretary of State.

- Those who transfer and who are ordered selected out within five years could appeal their cases to CSC. Those selected out after five years would be given favorable retirements, if they were otherwise eligible, or a full year's severance pay if they couldn't retire on immediate annuities.

- FS personnel assigned to South Viet-Nam and other extremely hazardous areas could have their pay differentials raised from a maximum of 25 to 50 per cent. Also, couriers, doctors and the like who must travel frequently in hardship areas such as South-east Asia could be paid 15 per cent differentials. They now get straight salaries.

- A full year of additional sick leave with pay would be made available to FS personnel and it was made retroactive to last Jan. 1 to take care of several employees injured seriously in the bombing of the U.S. Saigon embassy.

- FS personnel or members of their families who suffer war-related injuries could be given hospital and medical care after their retirements, and also for their survivors in case of their deaths. Both State and AID have cases of employees who have paralyzing injuries.

- Another beneficial provision would permit Uncle Sam to pay travel and related expenses of FS families to places such as Hong Kong and Bangkok to visit their hus-

bands and fathers stationed in South Viet-Nam where dependents aren't allowed.

- The director-general of the FS would have to be appointed by the President and confirmed by the Senate. He'd be the chief employment officer of the three agencies.

- The Board of FS Examiners and the Board of FS would be reconstituted. Both were abolished in a recent reorganization plan, and the action led to fears that exams, selections, promotions and the like would be made on other than a competitive-merit basis.

CS employees who transfer to the FA jobs would lose job rights under CS and veterans preference. AFGE has opposed many sections of the legislation.

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the State Bill is just that -- it would give them some way of dealing with individuals who are really unable to continue to perform under accepted standards. I know that this is not a big problem, but it's a very important problem as far as the DDP Directorate is concerned, and I presume it extends into other Agency components.

25X1A

. . . . [ ] gave to the Executive Secretary the following Washington Post column, "The Federal Diary", by Jerry Kluttz:

RETIREMENT SET AT 50  
IN REVISED HAYS BILL

CPYRGHT

More than 16,000 Civil Service and Foreign Service reservists in State, AID and USIA would have the opportunity to retire at 50 after 20 years, like Foreign Service officers, under the revised Hays bill now before the House.

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CS employees who transfer to the FA jobs would lose job rights under CS and veterans preference. AFGE has opposed many sections of the legislation.

25X1A9A

Anybody care to comment on this

question?

25X1A

This wouldn't involve cancelling the Agency's

bill, or the Agency's system, or law, would it?

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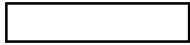
25X1A9A



No. I'm thinking of updating it.

Because if it were cancelled, we may be only a small part of it but all of our work would have been for naught.

25X1A9A



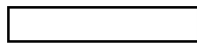
No, I was thinking of updating it and improving not only the retirement system by amendment but perhaps bring in certain other provisions of personnel administration and management that we have touched on here and have certainly discussed at length in other meetings.

25X1A9A



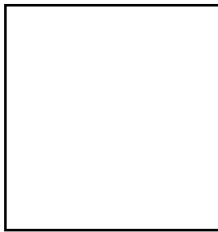
I don't know whether you want to take the time, Gerry -- and I'm not as familiar with this as you -- but is there some particular aspect of the bill that sort of lends itself well to us and that improves measurably on what we have?

25X1A9A



Yes, I think so. It's a complete new look as far as State Department personnel is concerned, and it really establishes a general category for all personnel and then within that general category certain sub-categories. It seems to me from the point of view of starting from a whole hodge-podge of personnel legislation it's an attempt to codify it rather clearly and rather well.

25X1A9A



What is this bill that you speak of?

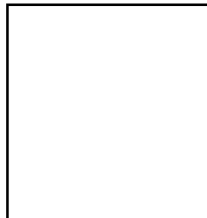
It's the Hays Bill.

Does it have a House number?

It's not cited in this article, but it certainly

does. General Counsel's Office is very familiar with it.

25X1A9A



What issue of the paper was that article from?

There is no date on it--

It was in the paper sometime last week.

I think that is all we need to say, that it is

to be brought to the attention of the Director of Personnel when he returns.

I think we might proceed to the review of cases. We have two employees who have appealed the determination that they are not eligible for designation as participants in the system. They have been advised that

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their cases would be reviewed by the CIA Retirement Board and they would be notified as to its conclusion.

25X1A9A I think [ ] is prepared to appear personally,

25X1A9A but before he does I suggest we consider the case of [ ] Her Career Service has reviewed her request for designation and has brought to her attention that service performed before the organization of CIA cannot be used in the computation and the Career Service Board therefore felt they could not name her for designation. This decision of the Career Service Board has been appealed to this Retirement Board. I would appreciate an expression of the Board's opinion or wishes in regard to her appeal.

25X1A9A [ ] With the ground rules under which we have been operating I don't see any basis for her eligibility.

25X1A [ ] Hear! Hear! And she seems to have somewhat of a misimpression, because in paragraph 5 she says, "Right or wrong, I feel that I have been a part of this Agency during all the years of change and growth. It gives me a peculiar feeling to suddenly find myself ineligible for something fundamental to the Agency." Well, it is fundamental but only a minority of the people in the Agency are getting it. And she is still part of a retirement system that is fundamental to the Agency when she's under Civil Service, and that is the retirement system that the majority of our people are under. So if she feels she is being denied something that the majority of the Agency people are getting, she has an incorrect impression here.

25X1A9A [ ] I take it there is no intention to send her overseas again?

25X1A9A [ ] No.  
This seems to be part of the problem, too.

I think the fact that she was willing and even desirous of overseas service, and therefore it was through no fault of her own that she didn't serve, seemed to be part of it. But outside of the emotional appeal there is no basis in fact--

25X1A [ ] She is not seeking retirement now. She could

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become eligible before mandatory retirement.

25X1 [ ] I take it she does not want to appear?

25X1 [ ] No. She is standing on her record.

MR. CRITCHFIELD: Mr. Chairman, I move that the Board find here the substance of her appeal does not relate to the criteria for participation.

25X1A9A [ ] I second the motion.

. . . . This motion was then passed . . . .

25X1A9A [ ] The next case is that of [ ] 25X1A9A  
The crux of [ ] case seems to 25X1A9A

lie in some clandestine association that doesn't appear, really, as part of the record, is that right?

[ ] As I understand it, that is the basis for 25X1A9A  
his appeal.

[ ] He has alluded to it privately with me, but 25X1A9A  
again without elaboration. So I guess that is something we will have to  
establish-- 25X1A

[ ] In talking about this type of career where an individual was involved in such highly classified duties that he could not divulge them to prospective employers, and consequently was really put at a great disadvantage, as I recall it Emmett in describing the intent of Congress and the law on this said this was mainly for cases of involuntary retirement and not for the normal case of voluntary retirement.

25X1A9A [ ] That is correct.  
That has a bearing on this particular case.  
This particular provision was for  
determination by the Director and not by the person involved.

25X1A [ ] Is anybody asking this man to retire--

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25X1A9A

[REDACTED]

Relating it to the Regulation, then, he is really saying: I think I have qualifying service on the basis that the work I was engaged in is so sensitive I can't talk about it.

25X1A9A

[REDACTED]

He hasn't been asked to voluntarily retire?

I don't know how sensitive this thing is, but is it appropriate for the full Board--

25X1A9A

[REDACTED]

I don't know.

Maybe we can find out something about the nature of his work without the substance of it.

25X1A9A

[REDACTED]

I mean, if there is any feeling that it is really sensitive I would be satisfied if you appointed a small group of two or three to hear it. I don't know. He apparently is willing to come in and talk about it.

25X1A9A

[REDACTED]

Yes.

25X1

[REDACTED]

He is eager to.

25X1

[REDACTED]

Well, he's a pretty big boy -- I guess he should be able to tell us.

25X1A9A

[REDACTED]

I think so, too.

Paul Borel probably knows him -- but, unfortunately, he is not here today.

25X1A9A

[REDACTED]

Jim or Mike, do you know anything about the work that he did?

25X1A9A

. . . . Messrs. [REDACTED] and Critchfield shook their heads indicating in the negative . . . .

. . . . Mr. John Warner joined the meeting at this point . . . .

25X1A9A

[REDACTED]

John, the first 15 minutes of this meeting

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pertained to your legal opinion, and we refer you to the record.

25X1A9A

What is the Board's wish? Shall we ask [ ]

to come in?

MR. CRITCHFIELD: Yes.

25X1A9A

[ ] I think we will ask [ ] to make his

statement, and then we can ask him such questions as we wish, and then ask him to leave, and whether we make a decision today, or not, I think I'd like to reserve opinion, depending on what we hear.

25X1A

[ ] I'd like to ask him frankly -- if it's all right

to do so -- whether this is completely a self-initiated request for retirement. Sometimes suggestions are made to people that they volunteer to do things -- and this might be a case where if it were involuntary, rather than voluntary, he might be eligible for the system.

25X1A9A

[ ] On this concept that we discussed--

That this man is being put out of the Agency at a great disadvantage -- it makes a difference whether it's involuntary or voluntary. My point is that it could be a case that really is pretty much involuntary, although put forward as a voluntary one for the record.

25X1A9A

[ ] My guess is that it's voluntary -- but that

is only a guess.

25X1A9A

. . . . [ ] then appeared

before the Retirement Board to present his case . . . .

25X1A9A

[ ] Harry, I wanted to first ask you whether you

have any inhibitions against fully discussing your situation before the Board?

25X1A9A

[ ] Well, inhibitions with reference to--

Security inhibitions.

There may be a few, but I don't think they are relevant. If you decide later they may be, then we can talk about it a little

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bit. I really don't think they are, though.

25X1

[ ] I think what we would like to do, then, is let you go ahead and make your statement, and then we will ask whatever questions we think appropriate, and then we will discuss the matter after your departure.

25X1

[ ] Well, I have a very simple statement to make. I do not present my case as a hardship case or indeed as a matter of urgency. I would like to explore it here in an effort to see what is the best Agency policy.

I have been given to understand that I may opt for Civil Service retirement on the terms of a "Discontinued Service." But this is a less than satisfactory door by which to leave the Agency. And it has material disadvantages with which you are familiar.

I have a personal statement I would like to make. Before the war I was in graduate school planning to follow a career that would combine writing and teaching. I had begun to publish, both popular and scholarly work. The popular pieces were articles for the Sunday Magazine of the Richmond Times Dispatch. The scholarly stuff were articles in Modern Language Notes, published by John Hopkins.

By the time the war was over, I had two children, no PhD, and a prosperous offer from a new organization called CIG that was interested in my naval experience in communications intelligence.

My experience in the Agency has been rewarding. I do not regret it. But I do look forward to returning to my old and basic interests, with which I have never lost touch. As a prospective teacher, I am 25 years out of date; and, of course, not in as good a position as I was in 1942. As for the prospect of taking up writing again, I feel severely inhibited by the security considerations hovering over the greater part of my life since entering the Agency. It is as if a portrait painter had been forbidden to paint portraits of some of the most paintable people he had ever met. Of course, all of us in the Agency

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live under a self-denying ordinance of security; however, in the case of a serious writer, as opposed to nearly all novelists, let's say, it takes away a vital source of material, handicapping him in the practice of his trade. I regard this factor as placing such a writer at a "distinct disadvantage" in the sense of

25X1 [ ] language, where the point is made that "qualifying service" means performance of duty as an Agency employee on a continuing basis which would place the individual at a distinct disadvantage in obtaining other employment because the duties are so highly classified that his experience cannot be described in sufficient detail to get the job.

Let me say that I know there must be others with a more readily and obviously justifiable case than mine; and if there is a shortage in the number of retirees allowed under the system, I would gladly stand aside for any hardship case, and wait my turn.

In requesting this hearing I have borne in mind two points. I believe they are both to be found in the Employee Bulletin. The Employee Bulletin states that the standards for determining "qualifying service" are unlikely to become so precise that a factor of judgment will not be required; and the other point is that implicit in the Act is the intent of the Agency to achieve a higher rate of retirement than would be the case under the Civil Service system.

If you have any questions about the nature of the work I have been performing, I will try to deal with those.

25X1 [ ] Jim?

MR. CRITCHFIELD: I don't believe I have any questions.

25X1 [ ] Mike?

[ ] do you feel that your entire 25X1 period or are you pointing to specific periods of duty since you joined CIG and CIA as qualifying duty?

25X1 [ ] I feel that under the terms of one interpretation of the Regulation it could apply to the entire period, yes.

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25X1

[redacted] So you are not separating any specific periods of duty--

25X1

[redacted] That is optional -- it could be done. As I say, it depends on how you read the Regulation. If you want to choose the six years I spent in DDP as qualifying, so be it. Obviously they are much more generally thought of as inhibiting in the way that I have described than the usual DDI service.

25X1

[redacted] I noticed that you served two tours overseas during two periods of time. Can you tell us what cover you used at that time?

25X1

25X1

[redacted] Can you tell us now what functions you performed under those covers?

25X1

25X1

[redacted] That is, in the assignment back here?

25X1

[redacted] That particular assignment back here. I spent a good deal of that time in a state of travel. That kind of thing is a fairly fuzzy assignment -- as Allen once called it. I can only say that it was something close to the heart of Allen. I never quite agreed with him that it had much of a future. It was something he wanted, and he had [redacted] interested -- he was

25X1

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25X1

[REDACTED]

were taken seriously at the time. In my case it was just a matter of doing what you are told to do.

25X1

[REDACTED]

That is all I have.

Roger?

25X1

[REDACTED]

do you feel that you are barred from presenting a plausible story to a prospective employer in returning to teaching?

25X1

[REDACTED]

No. It's in the writing mainly. I'd be self employed -- although I have a standing offer to contribute to a column, which I don't do anything about.

25X1

[REDACTED]

Do you feel you are disbarred from accepting such an offer by virtue of the sensitive nature of your experience here?

25X1

[REDACTED]

25X1

[REDACTED]

I would also like to ask if your request for retirement under this system is entirely self-generated?

25X1

[REDACTED]

Yes, yes -- in the sense that I have followed for a number of years, it seems to me, the Agency's progress toward this legislation -- I have always been interested in it.

25X1

[REDACTED]

But it is entirely on your own initiative that you are seeking retirement?

25X1

[REDACTED]

Yes. As a matter of fact, I have been told quite flatly by people whose judgment I could rely on that I had no grounds on which to apply. But I can read the regulation as well as the next man, it seems to me, although I am not a lawyer.

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25X1 [ ] You did mention the discontinued service aspect under Civil Service. Now that is usually on an involuntary basis. How did you intend to use that?

25X1 [ ] I intended to request it, but when this law was passed and this came about it seemed to me that I was justified in this rather than in the other -- and in the other there is more of a hardship on my family.

25X1 [ ] I'm not even sure that you can request involuntary--

25X1 [ ] Yes, if it is the policy of any component at any given time they could, with a wink and a nod, could do this, yes -- but it depends on the policy in Washington at any given moment whether early retirement is to be encouraged or not. Needless to say, there are very few people that want that kind of retirement.

25X1 [ ] What was the nature of your scholarly articles published before the war?

25X1 [ ] One was on John Donne, and one on Henry James, while I was still in graduate school. They were brief -- the sort of thing that teachers are familiar with--

25X1 [ ] And the other - the Richmond Times articles?

25X1 [ ] The Richmond Times Dispatch is a daily paper there, and this was a Sunday magazine section.

25X1 [ ] Non-fiction?

25X1 [ ] Non-fiction. What they call "special stories" in the press world.

25X1 [ ] On political subjects?

25X1 [ ] They were not political. They were more like travel pieces -- a blend of travel and history.

25X1 [ ] Do you feel there would be any inhibition to write on travel and history today?

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25X1 [ ] No, I do not, except on contemporary history.

25X1 [ ] Do you have any questions, [ ] 25X1

25X1 [ ] I think we have explored a bit what [ ]  
idea of qualifying service is here. I think the only question I have is: can you think of anything that would set your case apart from the bulk of the employees in the Agency here with respect to this qualifying service?

25X1 [ ] I think if I weren't a writer I wouldn't have much of a case -- unless you are going by the rule of thumb of five years overseas, and if you use that then I would request duty overseas - it would be less than two years - to try to get the full five, and see what happened then -- if that is the rule of thumb -- although I don't see how (you can make) much of a case with that.

25X1 [ ] do you have any comment or questions to ask?

MR. WARNER: Yes.

While you were in headquarters were you known as CIA or did you have some sort of cover?

25X1 [ ] I was always known as CIA in Washington, insofar as I was known.

MR. WARNER: That was the only question I had.

25X1 [ ] I'd like to ask one more question.

25X1 [ ] you are aware that there is a facility within the Agency that might be able to place retirees?

25X1 [ ] Yes. I visited them once. Have you ever talked to them?

25X1 [ ] Have you visited them recently?  
Yes, about two months ago.  
For a teaching job?  
Yes. You see, I don't have a PhD, and you don't do much teaching without that.

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25X1 [ ] It's my understanding -- I may be wrong --  
the PhD isn't necessary--

25X1 [ ] I'm not even looking for a teaching job. If  
I were looking for a job I would stay in the Agency -- I have a job. What I want  
to do is be subsidized so I can follow a fairly unremunerative profession. That  
has been an aim of mine for a number of years. I come from long-lived stock --  
my parents lived a long time -- and I was hopeful of having a second career before  
I get too old. I'm 55 this summer. Time is getting on.

25X1 [ ] Any further questions? (No response.)

25X1 [ ] thank you very much. We will let you know  
in due course.

25X1 . . . . [ ] from the meeting  
at this point . . . .

. . . Off the record . . .

MR. CRITCHFIELD: I so move that after reading the record  
25X1A9A and hearing the additional information presented by [ ] that we as a  
Board find him not eligible for participation in the system.

25X1A [ ] Second.

. . . . This motion was then passed . . . .

25X1A9A [ ] Do you think that on these cases where there  
may be a further appeal there should be some indication of the reasoning that led  
to this negative vote? or just a flat negative? or do we go back to the record  
for the reasons?

25X1A9A [ ] Well, in this case I think the record speaks  
for itself, and I don't think it needs any further extension--

25X1A9A [ ] Well, there were a few statements made in

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the off-the-record discussion. I certainly have no objection to having on the record my feeling that [ ] is better prepared today to write the type of articles he wrote. And I see no particular inhibitions. He has sort of been a part of it instead of living in an academic surrounding where he might not have been as well prepared. So something of this sort, just to show that we--

I think we can include those comments on the record.

You might also include the statement that this is entirely on his own initiative -- he isn't being forced or asked to leave at this time -- and it's entirely up to him to remain with the Agency if he so chooses.

Any further comments for the record?  
(No response.)

We will now go to category B. The following employees appear to meet the basic criteria for designation as participants, and except for the one marked with an asterisk -- that being the case of [ ] -- have 15 or more years of Agency service. These employees are or will be subject to mandatory retirement and their Career Service has stated, by memoranda, that they do not intend to request extensions of their service beyond the dates indicated.

There is one exception to this last statement. In the case of [ ] there is pending a request for extension, and I therefore feel that that particular case should be removed from consideration today and dealt with by the Board at a later date. In this case the Career Service has to reconsider its statement that it does not intend to request an extension. Therefore this case is withdrawn from consideration today.

I guess I keep asking this question -- and I don't know whether you know -- but are any of these fellows being given short shrift -- in other words, are they all sort of adjusted to this very rapid retirement -- in September, for example. Is it something they have been prepared for, or did they have any reason, previous to consideration under this Act, to think they had another year to go?

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25X1A9A

25X1A9A

[ ] I'm familiar with the case of [ ] which I can describe to you. He was sent out on a tour to the Far East when he was 62 and was then eligible to retire under Civil Service, and it was understood that he would be given a two-year tour and retire at the termination thereof. At that time we didn't have this particular retirement system, so we were thinking in terms of the CS system, but I don't think that alters the case--

25X1A9A

[ ] I guess all of the 62 year olders must have been looking forward to retirement.

25X1A9A

25X1A6A

[ ] And [ ] has known -- she has recently completed a tour [ ] on exactly the same basis, that she would

25X1A9A

25X1A9A retire when she returned. [ ] retirement is by arrangement, since he will be having some lines to the Agency after retirement.

25X1A9A

[ ] So he is ready for this, too?

[ ] Yes.

What is your wish in connection with these individuals?

25X1A9A

25X1A9A

[ ] It seems to me they are all different. In [ ] case you are going to have to offer her an election, and if she elects then you have got to ask for an extension.

25X1A9A

[ ] Just until next month -- just until October.

[ ]: You still have to do it. If so, I move we offer her an election and if she elects for the system that an extension be submitted on her.

MR. CRITCHFIELD: This is implicit in all of them. We don't have to specify that each time. The Director of Personnel automatically acts on it.

25X1A9A

25X1A9A

[ ] Take the case of [ ] -- he won't be 60 until December of 1965 -- so you would be designating him but he has the right to an election because he's got over 15 years. In the case of [ ] he has less than 15 years, and if you designate him you are asking for an extension, I take it, until next month?

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25X1A9A

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25X1A9A

[ ] I think the text says they do not intend to request extension beyond the dates indicated. Certainly by implication that means that we are going to ask for extension until the dates indicated.

Do you feel they can't be dealt with in one motion?

25X1A9A

25X1A9A

[ ] That is right, I feel you can't deal with them in one motion. [ ] has no right to an election -- he has 14 years and five months. You want to separate him next month. So the only thing you could do is designate him and then you ask for an extension. In the case of [ ] you have to offer her an election because she has over 15 years and the requisite number of months of qualifying service -- and [ ] the same thing.

25X1A9A

25X1A9A

25X1A9A

[ ] On all of these under "remarks" it says: If designated, subject has vested right to elect to remain in the System. I think that sort of goes without saying. What we're doing today, as I understand, is designating them as participants - all four of them. Then as a routine personnel action they are going to be advised they have reached mandatory retirement -- and from what I understand, all of them recognize this and are ready to go on out on this mandatory retirement. For the month or two extension the Director has given [ ] the authority to administrate the mandatory retirement.

25X1

25X1A9A

[ ] I want to see them legally offered an election. Have they been offered this election?

25X1A9A

[ ] On each one it says: If designated, subject has vested right to elect to remain in the System. And since they are all going out on mandatory retirement, I assume they have everything to gain and nothing to lose--

25X1A9A

[ ] All I'm trying to do is keep it legal. All I'm asking is can we do this with one motion?

25X1A9A

[ ] I would like to make a motion that all these people be designated participants in the System.

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25X1A9A MR. CRITCHFIELD: Mr. Chairman, I believe that the point that my colleague here (indicating [redacted] is making is covered by the existing regulations and procedures and does not have to be a matter of Board action in each case. The action required by us is to review the evidence to determine whether they meet the criteria for participation, and once that is done the rest of it is covered by existing regulations and procedures which have been set up. Is this right or wrong?

25X1A9A [redacted] That is the way I interpret it.  
[redacted] All right, I buy that.  
[redacted] Do you second this motion?

MR. CRITCHFIELD: I second his motion.

. . . . This motion was then passed . . . .

25X1A9A [redacted] We have 21 employees who appear to meet the basic criteria for designation as participants and have 15 or more years of Agency service. These are listed under Category C on today's agenda. Any comment or action suggested by the Board?

25X1A [redacted] Again I don't think this affects what the Board should do -- and I agree with what Jim said about the last category, that we determine they are eligible, and so on -- but there are at least three in this group who will reach that magic point ... (inaudible) ... before they reach mandatory retirement age, so that in this group, therefore, there are people who probably will choose not to remain in the System.

25X1A9A [redacted] : Would you identify them? 25X1A9A  
25X1A9A [redacted] Well, I think [redacted] are in that category. [redacted] is 51 with 31 years of Federal service and when she reaches 60 will have 40 years of Federal service--

25X1A9A [redacted] But you don't know -- she may elect next year to pull out.

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25X1A9A [ ] is a similar case -- she is 54 with  
31 years of Federal service, has six more years of service if she stays until 60,  
and if she stays until 60 will find it's to her advantage to go out under Civil  
Service.

25X1A9A [ ] She will have the right to so elect at that time.

25X1A9A [ ] was the other one.

But I don't mean that this has any affect on our Board's  
action to find them qualified.

25X1A9A [ ] I move this group be designated.

25X1A9A [ ] Second it.

. . . . This motion was then passed . . . .

25X1A9A [ ] The following nine employees appear to meet  
the basic criteria for designation as participants, as set forth in Category D of  
today's agenda. What is the wish of the Board? 25X1A9A

25X1A9A [ ] I'd like to ask a question about [ ]  
On the Nominee Check List it gives years of Agency service as 11.3; under the  
longevity computation date it gives 27 June 1951.

25X1A9A [ ] This man had military service -- the  
rest of that was military service. This 11.3 years represents the service he  
had as a civilian in the Agency.

25X1A9A [ ] This [ ] case is an interesting case. With  
the extension of his tour of duty he will then acquire his 60 months, and that is  
the basis for acting on his case now? 25X1A9A

25X1A9A [ ] That is right.  
[ ] But he is four years shy at this point.

25X1A9A [ ] He has four years in which to get it.

MR. CRITCHFIELD: We are edging up to that point where  
we are going to start looking at the five and ten year reviews -- and then life  
will become very difficult!

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25X1A9A

[REDACTED]

Would there be any point at this time in

holding a case like this out until we actually reach that point?

MR. CRITCHFIELD: I don't think so.

25X1A

[REDACTED]

These are sort of ten year reviews.

MR. CRITCHFIELD: He is already overseas.

25X1A9A

[REDACTED]

What is the ten year figure? 36 months?

So if we had somebody with over ten years and not 36 months we wouldn't really

25X1A9A

be able to designate him. [REDACTED] has 11 years of service -- he sort of makes it by (one month) -- which apparently will cover him until the 15 year review.

MR. CRITCHFIELD: That isn't necessarily true, because you don't start the 10 year review until the date of participation in the system.

I really think, Mr. Chairman, that as we approach this question -- this is the first time it has come up -- we better be very clear in our mind when we designate participants now to enter the System with less than 15 years' service we better start taking into consideration the minimum requirements under the periodic reviews or we're going to get ourselves into a big snarl.

25X1A9A

[REDACTED]

I understand what you just said, Jim, but I'm trying to relate it -- if the man has 10 years, or less than 15, and he has three years of overseas service then he is eligible to be a participant -- there wouldn't be any further review until he has 15.

MR. CRITCHFIELD: That is right.

25X1A9A

[REDACTED]

I think that is true in both of these cases,

but I think the fact that they are so close is what has brought up the observation.

25X1A9A

[REDACTED]

Five years or six years, say, who has two years overseas service, and then you go on to 10 years and he still hasn't gone overseas, and then you have to review his case and put him out.

25X1A9A

[REDACTED]

I think the [REDACTED] case is perhaps the better 25X1A9A

of these two to consider, in that he needs quite a bit of qualifying service. He is age 57. It would seem to me, knowing there might be some chance he won't

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complete that tour of duty, in which case you then have to reconsider whether he belongs in the System or not -- and the funds will have been transferred in the meantime, and all the administrative steps taken for him -- unless there is some reason why we have to act on his case now, I don't quite see why we're doing it.

25X1A9A

[REDACTED]

He just went overseas. I guess you have to

assume he is going to do a two year tour.

MR. CRITCHFIELD: A 24-month tour and then he will be over the top. So this is where he is performing or has received orders to perform service which would appear to qualify him for the remaining period.

25X1A9A

[REDACTED]

In what you said, Karl, you have to make a

presumption one way or the other, and I think you make a presumption in favor of the employee.

25X1A9A

[REDACTED]

Well, in one or two other cases we talked

about whether we would at this time follow up with the administrative steps that call for the transfer of funds and so on into the System, where there was an element of uncertainty about it.

25X1A9A

[REDACTED]

They were about a month or two away --

a very short term--

25X1A9A

[REDACTED]

but he has sort of money in the bank here.

But this fellow can get his 60 months

within 15 years--

25X1A9A

[REDACTED]

and within the mandatory retirement age.

I move we designate as participants these

employees under Category D.

MR. CRITCHFIELD: Second.

. . . . This motion was then passed . . . .

25X1A9A

[REDACTED]

In Category E we have [REDACTED] 25X1A9A

who has applied for voluntary retirement to be effective 30 November 1965. His

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request has been endorsed by the Head of his Career Service and is of record  
in the CIA Retirement Staff. No biographic profile is available.

25X1A9A

Is this fellow a participant?

He is a participant.

There seems to be no question here.

25X1A9A

What is the wish of the Board?

The endorsement by the Head of his Career

Service is on record. I certainly vote that we approve his voluntary  
retirement.

. . . . This motion was then seconded and passed . . . .

25X1A9A

Any further business to come before the

Board today? (No response.) If not, we stand adjourned.

. . . . The meeting adjourned at 3:10 p.m. . . .

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